

Part 8

Public Transit District Act

17B-2a-801 Title.

This part is known as the "Public Transit District Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-802 Definitions.

As used in this part:

- (1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.
 - (a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.
 - (b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.
- (2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.
- (3)
 - (a) "Chief executive officer" means a person appointed by the board of trustees to serve as chief executive officer.
 - (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.
- (4) "Department" means the Department of Transportation created in Section 72-1-201.
- (5)
 - (a) "General manager" means a person appointed by the board of trustees to serve as general manager.
 - (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees.
- (6)
 - (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.
 - (b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.
- (7) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.
- (8) "Multicounty district" means a public transit district located in more than one county.
- (9) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.
- (10) "Public transit" means the transportation of passengers only and their incidental baggage by means other than:
 - (a) chartered bus;
 - (b) sightseeing bus; or

- (c) taxi.
- (11) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:
 - (a) leased by or operated by or on behalf of a public transit district; and
 - (b) related to the public transit services provided by the district, including:
 - (i) railway or other right-of-way;
 - (ii) railway line; and
 - (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.
- (12) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a public transit district that serves a county of the first class.
- (13) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a public transit district.
- (14) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.

Amended by Chapter 387, 2016 General Session

17B-2a-803 Provisions applicable to public transit districts.

- (1)
 - (a) Each public transit district is governed by and has the powers stated in:
 - (i) this part; and
 - (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All Local Districts.
 - (b)
 - (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the following provisions do not apply to public transit districts:
 - (A) Chapter 1, Part 3, Board of Trustees; and
 - (B) Section 17B-2a-905.
 - (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for Local Districts.
- (2) This part applies only to public transit districts.
- (3) A public transit district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.
- (5) The provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned in whole or in part by a public transit district.

Amended by Chapter 273, 2016 General Session, (Coordination Clause)

Amended by Chapter 273, 2016 General Session

17B-2a-804 Additional public transit district powers.

- (1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:
 - (a) provide a public transit system for the transportation of passengers and their incidental baggage;

- (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:
 - (i) principal and interest of bonded indebtedness of the public transit district; or
 - (ii) a final judgment against the public transit district if:
 - (A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and
 - (B) the district is required by a final court order to levy a tax to pay the judgment;
- (c) insure against:
 - (i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;
 - (ii) public liability;
 - (iii) property damage; or
 - (iv) any other type of event, act, or omission;
- (d) acquire, contract for, lease, construct, own, operate, control, or use:
 - (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or
 - (ii) any structure necessary for access by persons and vehicles;
- (e)
 - (i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and
 - (ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;
- (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- (g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;
- (h) study and plan transit facilities in accordance with any legislation passed by Congress;
- (i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;
- (j) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- (k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;
- (l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;
- (m) sell or lease property;
- (n) assist in or operate transit-oriented or transit-supportive developments;
- (o) establish, finance, participate as a limited partner or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and transit-oriented developments or transit-supportive developments; and
- (p) subject to the restriction in Subsection (2), assist in a transit-oriented development or a transit-supportive development in connection with economic development or community development as defined in Section 17C-1-102 by:
 - (i) investing in a project as a limited partner or a member, with limited liabilities; or

- (ii) subordinating an ownership interest in real property owned by the public transit district.
- (2)
 - (a) A public transit district may only assist in the development of areas under Subsection (1)(p):
 - (i) in the manner described in Subsection (1)(p)(i) or (ii); and
 - (ii) on no more than eight transit-oriented developments or transit-supportive developments selected by the board of trustees.
 - (b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.
 - (c)
 - (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.
 - (ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.
 - (d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.
- (3) A public transit district may be funded from any combination of federal, state, local, or private funds.
- (4) A public transit district may not acquire property by eminent domain.

Amended by Chapter 387, 2016 General Session

17B-2a-805 Limitations on authority of a public transit district.

- (1) A public transit district may not exercise control over a transit facility or public transit service or system owned or operated inside or outside the district by a governmental entity unless, upon mutually agreeable terms, the governmental entity consents.
- (2)
 - (a) A public transit district may not establish, directly or indirectly, a public transit service or system, or acquire a facility necessary or incidental to a public transit service or system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a preexisting system of a publicly or privately owned public carrier furnishing like service, unless the district obtains the consent of the publicly or privately owned carrier.
 - (b) A public transit district's maintenance and operation of an existing system that the district acquires from a publicly or privately owned public carrier may not be considered to be the establishment of a public transit service or system under this Subsection (2).
 - (c) A public transit district's introduction, maintenance, or operation of a system may not be considered to be the establishment of a public transit service or system under this Subsection (2) if the service or system is introduced, maintained, or operated by the public transit district:
 - (i) as part of a program of projects approved by the Federal Transit Administration;
 - (ii) in cooperation with the state or a political subdivision of the state, pursuant to an interlocal agreement; or
 - (iii) in accordance with Title 72, Chapter 12, Travel Reduction Act.

Amended by Chapter 146, 2011 General Session

17B-2a-806 Authority of the state or an agency of the state with respect to a public transit district -- Counties and municipalities authorized to provide funds to public transit district.

- (1) The state or an agency of the state may:
 - (a) make public contributions to a public transit district as in the judgment of the Legislature or governing board of the agency are necessary or proper;
 - (b) authorize a public transit district to perform, or aid and assist a public transit district in performing, an activity that the state or agency is authorized by law to perform.
- (2)
 - (a) A county or municipality involved in the establishment and operation of a public transit district may provide funds necessary for the operation and maintenance of the district.
 - (b) A county's use of property tax funds to establish and operate a public transit district within any part of the county is a county purpose under Section 17-53-220.

Enacted by Chapter 329, 2007 General Session

17B-2a-807 Public transit district board of trustees -- Appointment -- Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.

- (1)
 - (a) If 200,000 people or fewer reside within the boundaries of a public transit district, the board of trustees shall consist of members appointed by the legislative bodies of each municipality, county, or unincorporated area within any county on the basis of one member for each full unit of regularly scheduled passenger routes proposed to be served by the district in each municipality or unincorporated area within any county in the following calendar year.
 - (b) For purposes of determining membership under Subsection (1)(a), the number of service miles comprising a unit shall be determined jointly by the legislative bodies of the municipalities or counties comprising the district.
 - (c) The board of trustees of a public transit district under this Subsection (1) may include a member that is a commissioner on the Transportation Commission created in Section 72-1-301 and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex officio member.
 - (d) Members appointed under this Subsection (1) shall be appointed and added to the board or omitted from the board at the time scheduled routes are changed, or as municipalities, counties, or unincorporated areas of counties annex to or withdraw from the district using the same appointment procedures.
 - (e) For purposes of appointing members under this Subsection (1), municipalities, counties, and unincorporated areas of counties in which regularly scheduled passenger routes proposed to be served by the district in the following calendar year is less than a full unit, as defined in Subsection (1)(b), may combine with any other similarly situated municipality or unincorporated area to form a whole unit and may appoint one member for each whole unit formed.
- (2)
 - (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the boundaries of a public transit district, the board of trustees shall consist of:
 - (i) 11 members:
 - (A) appointed as described under this Subsection (2); or

- (B) retained in accordance with Section 17B-2a-807.5;
- (ii) three members appointed as described in Subsection (4);
- (iii) one voting member appointed as provided in Subsection (11); and
- (iv) one nonvoting member appointed as provided in Subsection (12).
- (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting members to each county within the district using an average of:
 - (i) the proportion of population included in the district and residing within each county, rounded to the nearest 1/11 of the total transit district population; and
 - (ii) the cumulative proportion of transit sales and use tax collected from areas included in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit sales and use tax collected for the transit district.
- (c) The board shall join an entire or partial county not apportioned a voting member under this Subsection (2) with an adjacent county for representation. The combined apportionment basis included in the district of both counties shall be used for the apportionment.
- (d)
 - (i) If rounding to the nearest 1/11 of the total public transit district apportionment basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county or combination of counties with the smallest additional fraction of a whole member proportion shall have one less member apportioned to it.
 - (ii) If rounding to the nearest 1/11 of the total public transit district apportionment basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county or combination of counties with the largest additional fraction of a whole member proportion shall have one more member apportioned to it.
- (e) If the population of a county is at least 750,000, the county executive, with the advice and consent of the county legislative body, shall appoint one voting member to represent the population of the county.
- (f) If a municipality's population is at least 160,000, the chief municipal executive, with the advice and consent of the municipal legislative body, shall appoint one voting member to represent the population within a municipality.
- (g)
 - (i) The number of voting members appointed from a county and municipalities within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total voting member apportionment under this Subsection (2).
 - (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member appointed by an appointing entity may be a locally elected public official.
- (h) If the entire county is within the district, the remaining voting members for the county shall represent the county or combination of counties, if Subsection (2)(c) applies, or the municipalities within the county.
- (i) If the entire county is not within the district, and the county is not joined with another county under Subsection (2)(c), the remaining voting members for the county shall represent a municipality or combination of municipalities.
- (j)
 - (i) Except as provided under Subsections (2)(e) and (f), voting members representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities within the county shall be designated and appointed by a simple majority of the chief executives of the municipalities within the county or combinations of counties if Subsection (2)(c) applies.

- (ii) The appointments shall be made by joint written agreement of the appointing municipalities, with the consent and approval of the county legislative body of the county that has at least 1/11 of the district's apportionment basis.
- (k) Voting members representing a municipality or combination of municipalities shall be designated and appointed by the chief executive officer of the municipality or simple majority of chief executive officers of municipalities with the consent of the legislative body of the municipality or municipalities.
- (l) The appointment of members shall be made without regard to partisan political affiliation from among citizens in the community.
- (m) Each member shall be a bona fide resident of the municipality, county, or unincorporated area or areas which the member is to represent for at least six months before the date of appointment, and shall continue in that residency to remain qualified to serve as a member.
- (n)
 - (i) All population figures used under this section shall be derived from the most recent official census or census estimate of the United States Bureau of the Census.
 - (ii) If population estimates are not available from the United States Bureau of Census, population figures shall be derived from the estimate from the Utah Population Estimates Committee.
 - (iii) All transit sales and use tax totals shall be obtained from the State Tax Commission.
- (o)
 - (i) The board shall be apportioned as provided under this section in conjunction with the decennial United States Census Bureau report every 10 years.
 - (ii) Within 120 days following the receipt of the population estimates under this Subsection (2)(o), the district shall reapportion representation on the board of trustees in accordance with this section.
 - (iii) The board shall adopt by resolution a schedule reflecting the current and proposed apportionment.
 - (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to each of its constituent entities as defined under Section 17B-1-701.
 - (v) The appointing entities gaining a new board member shall appoint a new member within 30 days following receipt of the resolution.
 - (vi) The appointing entities losing a board member shall inform the board of which member currently serving on the board will step down:
 - (A) upon appointment of a new member under Subsection (2)(o)(v); or
 - (B) in accordance with Section 17B-2a-807.5.
- (3) Upon the completion of an annexation to a public transit district under Chapter 1, Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the same basis as if the area had been included in the district as originally organized.
- (4) In addition to the voting members appointed in accordance with Subsection (2), the board shall consist of three voting members appointed as follows:
 - (a) one member appointed by the speaker of the House of Representatives;
 - (b) one member appointed by the president of the Senate; and
 - (c) one member appointed by the governor.
- (5) Except as provided in Section 17B-2a-807.5, the terms of office of the members of the board shall be four years or until a successor is appointed, qualified, seated, and has taken the oath of office.
- (6)

- (a) Vacancies for members shall be filled by the official appointing the member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within 90 days.
 - (b) If the appointing official under Subsection (1) does not fill the vacancy within 90 days, the board of trustees of the authority shall fill the vacancy.
 - (c) If the appointing official under Subsection (2) does not fill the vacancy within 90 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.
- (7)
- (a) Each voting member may cast one vote on all questions, orders, resolutions, and ordinances coming before the board of trustees.
 - (b) A majority of all voting members of the board of trustees are a quorum for the transaction of business.
 - (c) The affirmative vote of a majority of all voting members present at any meeting at which a quorum was initially present shall be necessary and, except as otherwise provided, is sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.
- (8) Each public transit district shall pay to each member:
- (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed \$200 in any calendar month to any member; and
 - (b) reasonable mileage and expenses necessarily incurred to attend board or committee meetings.
- (9)
- (a) Members of the initial board of trustees shall convene at the time and place fixed by the chief executive officer of the entity initiating the proceedings.
 - (b) The board of trustees shall elect from its voting membership a chair, vice chair, and secretary.
 - (c) The members elected under Subsection (9)(b) shall serve for a period of two years or until their successors shall be elected and qualified.
 - (d) On or after January 1, 2011, a locally elected public official is not eligible to serve as the chair, vice chair, or secretary of the board of trustees.
- (10)
- (a) Except as otherwise authorized under Subsections (2)(g) and (10)(b) and Section 17B-2a-807.5, at the time of a member's appointment or during a member's tenure in office, a member may not hold any employment, except as an independent contractor or locally elected public official, with a county or municipality within the district.
 - (b) A member appointed by a county or municipality may hold employment with the county or municipality if the employment is disclosed in writing and the public transit district board of trustees ratifies the appointment.
- (11) The Transportation Commission created in Section 72-1-301:
- (a) for a public transit district serving a population of 200,000 people or fewer, may appoint a commissioner of the Transportation Commission to serve on the board of trustees as a nonvoting, ex officio member; and
 - (b) for a public transit district serving a population of more than 200,000 people, shall appoint a commissioner of the Transportation Commission to serve on the board of trustees as a voting member.
- (12)
- (a) The board of trustees of a public transit district serving a population of more than 200,000 people shall include a nonvoting member who represents all municipalities and unincorporated areas within the district that are located within a county that is not annexed into the public transit district.

- (b) The nonvoting member representing the combination of municipalities and unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a weighted vote of the majority of the chief executive officers of the municipalities described in Subsection (12)(a).
 - (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the proportion of the public transit district population that resides within that municipality and the adjacent unincorporated areas within the same county.
- (13)
- (a)
 - (i) Each member of the board of trustees of a public transit district is subject to recall at any time by the legislative body of the county or municipality from which the member is appointed.
 - (ii) Each recall of a board of trustees member shall be made in the same manner as the original appointment.
 - (iii) The legislative body recalling a board of trustees member shall provide written notice to the member being recalled.
 - (b) Upon providing written notice to the board of trustees, a member of the board may resign from the board of trustees.
 - (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

Amended by Chapter 205, 2016 General Session

17B-2a-807.5 Public transit district board of trustees -- Transitional provisions.

- (1)
- (a) A member appointed to a board of trustees in accordance with Subsection 17B-2a-807(2) prior to April 1, 2009, that is ineligible for reappointment under Subsection (3) may remain on the board of trustees and fulfill the member's appointment until July 1, 2010.
 - (b) The term of a member appointed to a board of trustees in accordance with Subsection 17B-2a-807(2) prior to April 1, 2009, that is ineligible for reappointment under Subsection (3) is extended until July 1, 2010 if the member's term of appointment based on the term limits that existed at the time of the member's appointment expires prior to July 1, 2010.
- (2) The term of a member appointed to a board of trustees in accordance with Subsection 17B-2a-807(2) prior to April 1, 2009, shall be extended by two years from the original date of appointment if the member is not ineligible for reappointment under Subsection (3).
- (3) A member appointed to a board of trustees in accordance with Subsection 17B-2a-807(2) prior to April 1, 2009, is not eligible for reappointment to serve on the board of trustees upon expiration of the member's existing term if:
- (a)
 - (i) the appointing entity that appointed the member has appointed more than one member to the board of trustees that are locally elected public officials and the locally elected public officials are serving concurrently on the board of trustees;
 - (ii) the member is a locally elected public official that holds an elected position with a municipality; and
 - (iii) the other member appointed by the appointing entity described in Subsection (3)(a)(i) is a locally elected public official that holds an elected position with a county; or
 - (b)
 - (i) the appointing entity that appointed the member:

- (A) has appointed more than one member to the board of trustees; and
- (B) does not have another member appointed by the appointing entity on the board of trustees that is ineligible under Subsection (3)(a);
- (C) the member has served more than six months on April 1, 2009; and
- (D) the member has served the least amount of time on the board of trustees of all members appointed by that appointing entity to the board of trustees that took the oath of office prior to November 1, 2008.

Enacted by Chapter 364, 2009 General Session

17B-2a-808 Public transit district board of trustees powers and duties -- Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.

- (1) The powers and duties of a board of trustees of a public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.
- (2) The board of trustees of each public transit district shall:
 - (a) appoint and fix the salary of a general manager, a chief executive officer, or both, as provided in Section 17B-2a-811;
 - (b) determine the transit facilities that the district should acquire or construct;
 - (c) supervise and regulate each transit facility that the district owns and operates, including:
 - (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals, and charges; and
 - (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;
 - (d) control the investment of all funds assigned to the district for investment, including funds:
 - (i) held as part of a district's retirement system; and
 - (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;
 - (e) invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;
 - (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;
 - (g)
 - (i) cause an annual audit of all district books and accounts to be made by an independent certified public accountant;
 - (ii) as soon as practicable after the close of each fiscal year, submit to the chief administrative officer and legislative body of each county and municipality with territory within the district a financial report showing:
 - (A) the result of district operations during the preceding fiscal year; and
 - (B) the district's financial status on the final day of the fiscal year; and
 - (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon request in a quantity that the board considers appropriate;
 - (h) report at least annually to the Transportation Commission created in Section 72-1-301 the district's short-term and long-range public transit plans, including the transit portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134;
 - (i) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines to be the most critical to the success of the organization; and

- (j) hear audit reports for audits conducted in accordance with Subsection (2)(i).
- (3) A board of trustees of a public transit district may:
 - (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that are:
 - (i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
 - (ii) necessary for:
 - (A) the government and management of the affairs of the district;
 - (B) the execution of district powers; and
 - (C) carrying into effect the provisions of this part;
 - (b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:
 - (i) for a purpose for which the expenditure has been previously approved by the board;
 - (ii) in an amount no greater than the amount authorized; and
 - (iii) approved by the general manager or other officer or deputy as the board prescribes;
 - (c)
 - (i) hold public hearings and subpoena witnesses; and
 - (ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
 - (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(f).
- (4) A member of the board of trustees of a public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- (5)
 - (a) The vote of the board of trustees on each ordinance shall be by roll call vote with each affirmative and negative vote recorded.
 - (b)
 - (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or order by voice vote.
 - (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if a member of the board so demands.
 - (c)
 - (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public transit district may not adopt an ordinance unless it is:
 - (A) introduced at least a day before the board of trustees adopts it; or
 - (B) mailed by registered mail, postage prepaid, to each member of the board of trustees at least five days before the day upon which the ordinance is presented for adoption.
 - (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote of all board members present at a meeting at which at least 3/4 of all board members are present.
 - (d) Each ordinance adopted by a public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.

Amended by Chapter 281, 2010 General Session

17B-2a-809 Public transit districts to submit agendas and minutes of board meetings.

- (1) The board of trustees of each public transit district shall submit to each constituent entity, as defined in Section 17B-1-701:
 - (a) a copy of the board agenda and a notice of the location and time of the board meeting within the same time frame provided to members of the board prior to the meeting; and

- (b) a copy of the minutes of board meetings within five working days following approval of the minutes.
- (2) The board may submit notices, agendas, and minutes by electronic mail if agreed to by the constituent entity as defined under Section 17B-1-701.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-2a-810 Officers of a public transit district.

- (1)
 - (a) The officers of a public transit district shall consist of:
 - (i) the members of the board of trustees;
 - (ii) a chair and vice chair, appointed by the board of trustees, subject to Subsection (1)(c);
 - (iii) a secretary, appointed by the board of trustees;
 - (iv) a general manager, appointed by the board of trustees as provided in Section 17B-2a-811, whose duties may be allocated by the board of trustees, at the board of trustees' discretion, to a chief executive officer, or both;
 - (v) a chief executive officer appointed by the board of trustees, as provided in Section 17B-2a-811;
 - (vi) a general counsel, appointed by the board of trustees, subject to Subsection (1)(d);
 - (vii) a treasurer, appointed as provided in Section 17B-1-633;
 - (viii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(e);
 - (ix) for a public transit district with more than 200,000 people residing within the boundaries of the public transit district, an internal auditor, appointed by the board of trustees, subject to Subsection (1)(f); and
 - (x) other officers, assistants, and deputies that the board of trustees considers necessary.
 - (b) The board of trustees may, at its discretion, appoint a president, who shall also be considered an officer of a public transit district.
 - (c) The district chair and vice chair shall be members of the board of trustees.
 - (d) The person appointed as general counsel shall:
 - (i) be admitted to practice law in the state; and
 - (ii) have been actively engaged in the practice of law for at least seven years next preceding the appointment.
 - (e) The person appointed as comptroller shall have been actively engaged in the practice of accounting for at least seven years next preceding the appointment.
 - (f) The person appointed as internal auditor shall be a licensed certified internal auditor or certified public accountant with at least five years experience in the auditing or public accounting profession, or the equivalent, prior to appointment.
- (2)
 - (a) The district's general manager or chief executive officer, as the board prescribes, shall appoint all officers and employees not specified in Subsection (1).
 - (b) Each officer and employee appointed by the district's general manager or chief executive officer serves at the pleasure of the appointing general manager or chief executive officer.
- (3) The board of trustees shall by ordinance or resolution fix the compensation of all district officers and employees, except as otherwise provided in this part.
- (4)
 - (a) Each officer appointed by the board of trustees or by the district's general manager or chief executive officer shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

- (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district secretary no later than 15 days after the commencement of the officer's term of office.

Amended by Chapter 56, 2016 General Session

17B-2a-811 General manager or chief executive officer of a public transit district.

- (1)
 - (a) The board of trustees of a public transit district shall appoint a person as a general manager.
 - (b) The board of trustees of a public transit district may, at its discretion, appoint a person as a chief executive officer.
 - (c) The board of trustees of a public transit district shall allocate the responsibilities defined in Subsection (2) between the general manager and the chief executive officer, if the board of trustees appoints a chief executive officer.
 - (d) The chief executive officer shall have the same rights allocated to the general manager under Subsections (3) and (4).
 - (e) The appointment of a general manager, chief executive officer, or both, shall be by the affirmative vote of a majority of all members of the board of trustees.
 - (f) The board's appointment of a person as general manager, chief executive officer, or both, shall be based on the person's qualifications, with special reference to the person's actual experience in or knowledge of accepted practices with respect to the duties of the office.
 - (g) A person appointed as general manager or chief executive officer of a public transit district is not required to be a resident of the state at the time of appointment.
- (2) A general manager or chief executive officer of a public transit district shall have the following responsibilities as allocated by the board of trustees:
 - (a) be a full-time officer and devote full time to the district's business;
 - (b) ensure that all district ordinances are enforced;
 - (c) prepare and submit to the board of trustees, as soon as practical but not less than 45 days after the end of each fiscal year, a complete report on the district's finances and administrative activities for the preceding year;
 - (d) keep the board of trustees advised as to the district's needs;
 - (e) prepare or cause to be prepared all plans and specifications for the construction of district works;
 - (f) cause to be installed and maintained a system of auditing and accounting that completely shows the district's financial condition at all times; and
 - (g) attend meetings of the board of trustees.
- (3) A general manager of a public transit district:
 - (a) serves at the pleasure of the board of trustees;
 - (b) holds office for an indefinite term;
 - (c) may be removed by the board of trustees upon the adoption of a resolution by the affirmative vote of a majority of all members of the board, subject to Subsection (5);
 - (d) has full charge of:
 - (i) the acquisition, construction, maintenance, and operation of district facilities; and
 - (ii) the administration of the district's business affairs;
 - (e) is entitled to participate in the deliberations of the board of trustees as to any matter before the board; and
 - (f) may not vote at a meeting of the board of trustees.
- (4) The board of trustees may not reduce the general manager's salary below the amount fixed at the time of original appointment unless:

- (a) the board adopts a resolution by a vote of a majority of all members; and
 - (b) if the general manager demands in writing, the board gives the general manager the opportunity to be publicly heard at a meeting of the board before the final vote on the resolution reducing the general manager's salary.
- (5)
- (a) Before adopting a resolution providing for a general manager's removal as provided in Subsection (3)(c), the board shall, if the manager makes a written demand:
 - (i) give the general manager a written statement of the reasons alleged for the general manager's removal; and
 - (ii) allow the general manager to be publicly heard at a meeting of the board of trustees.
 - (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district may suspend a general manager from office pending and during a hearing under Subsection (5)(a)(ii).
- (6) The action of a board of trustees suspending or removing a general manager or reducing the general manager's salary is final.

Amended by Chapter 281, 2010 General Session

17B-2a-812 Comptroller required to provide statement of revenues and expenditures.

The comptroller of each public transit district shall, as soon as possible after the close of each fiscal year:

- (1) prepare a statement of revenues and expenditures for the fiscal year just ended, in the detail that the board of trustees prescribes; and
- (2) transmit a copy of the statement to the chief executive officer of:
 - (a) each municipality within the district; and
 - (b) each county with unincorporated area within the district.

Enacted by Chapter 329, 2007 General Session

17B-2a-813 Rights, benefits, and protective conditions for employees of a public transit district -- Strike prohibited -- Employees of an acquired transit system.

- (1) The rights, benefits, and other employee protective conditions and remedies of Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as determined by the Secretary of Labor, apply to a public transit district's establishment and operation of a public transit service or system.
- (2)
 - (a) Employees of a public transit system established and operated by a public transit district have the right to:
 - (i) self-organization;
 - (ii) form, join, or assist labor organizations; and
 - (iii) bargain collectively through representatives of their own choosing.
 - (b) Employees of a public transit district and labor organizations may not join in a strike against the public transit system operated by the public transit district.
 - (c) Each public transit district shall:
 - (i) recognize and bargain exclusively with any labor organization representing a majority of the district's employees in an appropriate unit with respect to wages, salaries, hours, working conditions, and welfare, pension, and retirement provisions; and

- (ii) upon reaching agreement with the labor organization, enter into and execute a written contract incorporating the agreement.
- (3) If a public transit district acquires an existing public transit system:
 - (a) all employees of the acquired system who are necessary for the operation of the acquired system, except executive and administrative officers and employees, shall be:
 - (i) transferred to and appointed employees of the acquiring public transit district; and
 - (ii) given sick leave, seniority, vacation, and pension or retirement credits in accordance with the acquired system's records;
 - (b) members and beneficiaries of a pension or retirement plan or other program of benefits that the acquired system has established shall continue to have rights, privileges, benefits, obligations, and status with respect to that established plan or program; and
 - (c) the public transit district may establish, amend, or modify, by agreement with employees or their authorized representatives, the terms, conditions, and provisions of a pension or retirement plan or of an amendment or modification of a pension or retirement plan.
- (4) A pension administrator for a retirement plan sponsored by a public transit district or a person designated by the administrator shall maintain retirement records in accordance with Subsection 49-11-618(2).

Amended by Chapter 448, 2013 General Session

17B-2a-814 Public transit district trustees, officers, and employees subject to Utah Public Officers' and Employees' Ethics Act.

Each trustee, officer, and employee of a public transit district is subject to the provisions of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

Amended by Chapter 223, 2011 General Session

17B-2a-815 Rates and charges for service -- Fare collection information private.

- (1) The board of trustees of a public transit district shall fix rates and charges for service provided by the district by a two-thirds vote of all board members.
- (2) Rates and charges shall:
 - (a) be reasonable; and
 - (b) to the extent practicable:
 - (i) result in enough revenue to make the public transit system self supporting; and
 - (ii) be sufficient to:
 - (A) pay for district operating expenses;
 - (B) provide for repairs, maintenance, and depreciation of works and property that the district owns or operates;
 - (C) provide for the purchase, lease, or acquisition of property and equipment;
 - (D) pay the interest and principal of bonds that the district issues; and
 - (E) pay for contracts, agreements, leases, and other legal liabilities that the district incurs.
- (3)
 - (a) In accordance with Section 63G-2-302, the following personal information received by the district from a customer through any debit, credit, or electronic fare payment process is a private record under Title 63G, Chapter 2, Government Records Access and Management Act:
 - (i) travel data, including:
 - (A) the identity of the purchasing individual or entity;

- (B) travel dates, times, or frequency of use; and
 - (C) locations of use;
 - (ii) service type or vehicle identification used by the customer;
 - (iii) the unique transit pass identifier assigned to the customer; or
 - (iv) customer account information, including the cardholder's name, the credit or debit card number, the card issuer identification, or any other related information.
- (b) Private records described in this Subsection (3) that are received by a public transit district may only be disclosed in accordance with Section 63G-2-202.

Amended by Chapter 216, 2013 General Session

17B-2a-816 Hearing on a rate or charge or a proposal to fix the location of district facilities.

- (1)
- (a) The legislative body of a county or municipality with territory within a public transit district may, on behalf of a person who is a resident of the county or municipality, respectively, and who is a user of a public transit system operated by the public transit district, file a request for a hearing before the public transit district's board of trustees as to:
 - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
 - (ii) a proposal for fixing the location of district facilities.
 - (b) Each request under Subsection (1)(a) shall:
 - (i) be in writing;
 - (ii) be filed with the board of trustees of the public transit district; and
 - (iii) state the subject matter on which a hearing is requested.
- (2)
- (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:
 - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
 - (ii) a proposal for fixing the location of district facilities.
 - (b) The public transit district board of trustees shall provide notice of the hearing by:
 - (i) mailing, postage prepaid, a notice to:
 - (A) the county or municipality requesting the hearing; and
 - (B) the legislative body of each other county and municipality with territory within the public transit district; and
 - (ii) once publishing a notice.
- (3) At each hearing under Subsection (2)(a):
- (a) the legislative body of a county or municipality may intervene, be heard, and introduce evidence if the county or municipality:
 - (i) is eligible to file a request for hearing under Subsection (1); and
 - (ii) did not file a request for hearing;
 - (b) the public transit district, the county or municipality that filed the request for hearing, and an intervening county or municipality under Subsection (3)(a) may:
 - (i) call and examine witnesses;
 - (ii) introduce exhibits;
 - (iii) cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in direct examination; and
 - (iv) rebut evidence introduced by others;
 - (c) evidence shall be taken on oath or affirmation;

- (d) technical rules of evidence need not be followed, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action;
 - (e) hearsay evidence is admissible in order to supplement or explain direct evidence, but is not sufficient in itself to support a finding unless it would be admissible over objection in a civil action; and
 - (f) the public transit district board of trustees shall appoint a reporter to take a complete record of all proceedings and testimony before the board.
- (4)
- (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the public transit district board of trustees shall render its decision in writing, together with written findings of fact.
 - (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the decision and findings to:
 - (i) the county or municipality that filed a request under Subsection (1); and
 - (ii) each county and municipality that intervened under Subsection (3)(a).
- (5) In any action to review a decision of a public transit district board of trustees under this section, the record on review shall consist of:
- (a) the written request for hearing, the transcript of the testimony at the hearing, and all exhibits introduced at the hearing; or
 - (b) if the parties stipulate in writing:
 - (i) the evidence specified in the stipulation; and
 - (ii) the written stipulation itself.

Enacted by Chapter 329, 2007 General Session

17B-2a-817 Voter approval required for property tax levy.

Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit district may levy a property tax, as provided in and subject to Chapter 1, Part 10, Local District Property Tax Levy, if:

- (1) the district first submits the proposal to levy the property tax to voters within the district; and
- (2) a majority of voters within the district voting on the proposal vote in favor of the tax at an election held for that purpose on a date specified in Section 20A-1-204.

Amended by Chapter 415, 2013 General Session

17B-2a-818 Requirements applicable to public transit district contracts.

- (1) A public transit district shall comply with the applicable provisions of Title 63G, Chapter 6a, Utah Procurement Code.
- (2) If construction of a district facility or work exceeds \$750,000, the construction shall be let as provided in:
 - (a) Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) Section 17B-2a-818.5.

Amended by Chapter 347, 2012 General Session

17B-2a-818.5 Contracting powers of public transit districts -- Health insurance coverage.

(1) For purposes of this section:

- (a) "Employee" means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:
 - (i) works at least 30 hours per calendar week; and
 - (ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 60 days from the date of hire.
- (b) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
- (c) "Qualified health insurance coverage" means the same as that term is defined in Section 26-40-115.
- (d) "Subcontractor" means the same as that term is defined in Section 63A-5-208.

(2)

- (a) Except as provided in Subsection (3), this section applies to a design or construction contract entered into by the public transit district on or after July 1, 2009, and to a prime contractor or to a subcontractor in accordance with Subsection (2)(b).

(b)

- (i) A prime contractor is subject to this section if the prime contract is in the amount of \$2,000,000 or greater at the original execution of the contract.
- (ii) A subcontractor is subject to this section if a subcontract is in the amount of \$1,000,000 or greater at the original execution of the contract.

(3) This section does not apply if:

- (a) the application of this section jeopardizes the receipt of federal funds;
- (b) the contract is a sole source contract; or
- (c) the contract is an emergency procurement.

(4)

- (a) This section does not apply to a change order as defined in Section 63G-6a-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection (2).
- (b) A person who intentionally uses change orders or contract modifications to circumvent the requirements of Subsection (2) is guilty of an infraction.

(5)

- (a) A contractor subject to Subsection (2) shall demonstrate to the public transit district that the contractor has and will maintain an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents during the duration of the contract.
- (b) If a subcontractor of the contractor is subject to Subsection (2)(b), the contractor shall:
 - (i) place a requirement in the subcontract that the subcontractor shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependants during the duration of the subcontract; and
 - (ii) certify to the public transit district that the subcontractor has and will maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the prime contract.

(c)

(i)

- (A) A contractor who fails to meet the requirements of Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with an ordinance adopted by the public transit district under Subsection (6).

- (B) A contractor is not subject to penalties for the failure of a subcontractor to meet the requirements of Subsection (5)(b).

(ii)

- (A) A subcontractor who fails to meet the requirements of Subsection (5)(b) during the duration of the contract is subject to penalties in accordance with an ordinance adopted by the public transit district under Subsection (6).
 - (B) A subcontractor is not subject to penalties for the failure of a contractor to meet the requirements of Subsection (5)(a).
- (6) The public transit district shall adopt ordinances:
- (a) in coordination with:
 - (i) the Department of Environmental Quality in accordance with Section 19-1-206;
 - (ii) the Department of Natural Resources in accordance with Section 79-2-404;
 - (iii) the State Building Board in accordance with Section 63A-5-205;
 - (iv) the State Capitol Preservation Board in accordance with Section 63C-9-403; and
 - (v) the Department of Transportation in accordance with Section 72-6-107.5; and
 - (b) that establish:
 - (i) the requirements and procedures a contractor shall follow to demonstrate to the public transit district compliance with this section that shall include:
 - (A) that a contractor shall demonstrate compliance with Subsection (5)(a) or (b) at the time of the execution of each initial contract described in Subsection (2)(b);
 - (B) that the contractor's compliance is subject to an audit by the public transit district or the Office of the Legislative Auditor General; and
 - (C) that the actuarially equivalent determination required for the qualified health insurance coverage in Subsection (1) is met by the contractor if the contractor provides the department or division with a written statement of actuarial equivalency, which is no more than one year old, regarding the contractor's offer of qualified health coverage from an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates;
 - (ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:
 - (A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the public transit district upon the first violation;
 - (B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the public transit district upon the second violation;
 - (C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and
 - (D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health insurance coverage for employees and dependents of employees of the contractor or subcontractor who were not offered qualified health insurance coverage during the duration of the contract; and
 - (iii) a website on which the district shall post the commercially equivalent benchmark, for the qualified health insurance coverage identified in Subsection (1)(c), that is provided by the Department of Health, in accordance with Subsection 26-40-115(2).
- (7)
- (a)
 - (i) In addition to the penalties imposed under Subsection (6)(b)(ii), a contractor or subcontractor who intentionally violates the provisions of this section shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.
 - (ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:
 - (A) the employer relied in good faith on a written statement of actuarial equivalency provided by an:

- (I) actuary; or
- (II) underwriter who is responsible for developing the employer group's premium rates; or
- (B) a department or division determines that compliance with this section is not required under the provisions of Subsection (3) or (4).
- (b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).
- (8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Restricted Account created in Section 26-18-402.
- (9) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by this section:
 - (a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6a-1602 or any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.

Amended by Chapter 20, 2016 General Session

Amended by Chapter 355, 2016 General Session

17B-2a-819 Compliance with state and local laws and regulations.

- (1) Each public transit district is subject to department regulations relating to safety appliances and procedures.
- (2)
 - (a) Each installation by a public transit district in a state highway or freeway is subject to the approval of the department.
 - (b) There is a presumption that the use of a street, road, highway, or other public place by a public transit district for any of the purposes permitted in this part constitutes no greater burden on an adjoining property than the use existing on July 9, 1969.
 - (c) If a street, road, or highway, excluding a state highway or freeway, or a pipeline, sewer, water main, storm drain, pole, or communication wire is required to be relocated, replaced, or altered in order for a public transit district to construct or operate its system or to preserve and maintain an already constructed district facility:
 - (i) the public or private owner of the facility required to be relocated, replaced, or altered shall relocate, replace, or alter the facility with reasonable promptness; and
 - (ii) the public transit district shall, by prior agreement, reimburse the owner for the reasonable cost incurred in the relocation, replacement, or alteration.
 - (d)
 - (i) A public transit district may enter into an agreement with a county or municipality to:
 - (A) close a street or road over which the county or municipality has jurisdiction at or near the point of its interception with a district facility; or
 - (B) carry the street or road over or under or to a connection with a district facility.
 - (ii) A public transit district may do all work on a street or road under Subsection (2)(d)(i) as is necessary.
 - (iii) A street or road may not be closed, directly or indirectly, by the construction of a district facility unless the closure is:
 - (A) pursuant to agreement under Subsection (2)(d)(i); or
 - (B) temporarily necessary during the construction of a district facility.

- (3) Each public transit district is subject to the laws and regulations of the state and each applicable municipality relating to traffic and operation of vehicles upon streets and highways.

Enacted by Chapter 329, 2007 General Session

17B-2a-820 Authority for other governmental entities to acquire property by eminent domain for a public transit district.

The state, a county, or a municipality may, by eminent domain under Title 78B, Chapter 6, Part 5, Eminent Domain, acquire within its boundaries a private property interest, including fee simple, easement, air right, right-of-way, or other interest, necessary for the establishment or operation of a public transit district.

Amended by Chapter 3, 2008 General Session

17B-2a-821 Multicounty district may establish and enforce parking ordinance.

The board of trustees of a multicounty district may adopt an ordinance governing parking of vehicles at a transit facility, including the imposition of a fine or civil penalty for a violation of the ordinance.

Amended by Chapter 273, 2016 General Session

17B-2a-822 Multicounty district may employ or contract for law enforcement officers -- Law enforcement officer status, powers, and jurisdiction.

- (1) The board of trustees of a multicounty district may employ law enforcement officers or contract with other law enforcement agencies to provide law enforcement services for the district.
- (2) A law enforcement officer employed or provided by contract under Subsection (1) is a law enforcement officer under Section 53-13-103 and shall be subject to the provisions of that section.
- (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law enforcement officer employed under this section is limited to transit facilities and transit vehicles.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-2a-823 Public transit district special services.

- (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau established under Section 17-31-2.
- (2)
 - (a) A public transit district may lease its buses to private certified public carriers or operate transit services requested by a public entity if a bureau certifies that privately owned carriers furnishing like services or operating like equipment within the area served by the bureau:
 - (i) have declined to provide the service; or
 - (ii) do not have the equipment necessary to provide the service.
 - (b) A public transit district may lease its buses or operate services as authorized under Subsection (2)(a) outside of the area served by the district.
- (3) If part or all of the transportation services are paid for by public funds, a public transit district may:
 - (a) provide school bus services for transportation of pupils and supervisory personnel between homes and school and other related school activities within the area served by the district; or

- (b) provide the transportation of passengers covered by a program within the district for people who are elderly or who have a disability.
- (4) Notwithstanding the provisions in Subsection (3), a municipality or county is not prohibited from providing the transportation services identified in Subsection (3).

Amended by Chapter 366, 2011 General Session

17B-2a-824 Property acquired on behalf of a public transit district.

- (1) Title to property acquired on behalf of a public transit district under this part immediately and by operation of law vests in the public transit district.
- (2) Property described in Subsection (1) is dedicated and set apart for the purposes set forth in this part.

Enacted by Chapter 329, 2007 General Session

17B-2a-825 Criminal background checks authorized -- Employment eligibility.

- (1) A public transit district may require an individual described in Subsection (2) to:
 - (a) submit a fingerprint card in a form acceptable to the public transit district; and
 - (b) consent to a fingerprint background check by:
 - (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.
- (2) A person shall comply with the requirements of Subsection (1) if the person:
 - (a) is applying for or continuing employment with the public transit district:
 - (i) working in a safety-sensitive position or other position that may affect:
 - (A) the safety or well-being of patrons of the public transit district; or
 - (B) the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles;
 - (ii) handling personally identifiable information, financial information, or other sensitive information including personal health information;
 - (iii) working in security-sensitive areas; or
 - (iv) handling security-sensitive information, including information system technologies; or
 - (b) is seeking access to designated security-sensitive areas.
- (3) A public transit district may use the information obtained in accordance with this section only for one or more of the following purposes:
 - (a) to determine whether or not an individual is convicted of:
 - (i) a felony under federal or state law within the last 10 years;
 - (ii) a violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage;
 - (iii) a crime involving moral turpitude; or
 - (iv) two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug;
 - (b) to determine whether or not an individual has accurately disclosed the person's criminal history on an application or document filed with the public transit district;
 - (c) to approve or deny an application for employment with the public transit district; or
 - (d) to take disciplinary action against an employee of the public transit district, including possible termination of employment.

- (4) A person is not eligible for employment with a public transit district in a capacity described in Subsection (2) if the person has been convicted of any of the offenses described in Subsection (3).

Amended by Chapter 377, 2014 General Session